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SURINAME

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I. GENERAL DEMOGRAPHIC AND ECONOMIC DATA

A. Geographical location and demographic data

1. The western coast of the Guianas, of which Suriname is part, was discovered in the late fifteenth century. The original inhabitants were Amerindians. After different colonization attempts by the English and the French had failed, Suriname was captured by the Dutch in 1667. The colony's plantation economy was based on cheap labour with slaves from Africa. After slavery was abolished in 1863, indentured labourers were recruited in India, Indonesia and China. The descendants of these immigrants now form the larger part of the population of Suriname.

2. Suriname lies on the north-eastern part of the continent of South America, between 60 and 20 degrees north latitude and 54 and 56 degrees west longitude. It borders on the Atlantic Ocean in the north, Guyana in the west, French Guiana in the east, and Brazil in the south. Suriname is divided into 10 administrative districts. Its capital city is Paramaribo.

3. The country, which is largely covered by tropical rainforest, has a surface area of about 162,820 square kilometres. About 90 per cent of the population lives in the coastal area, while 72 per cent of the population lives in a 30 km radius around the capital of Paramaribo. About 10 per cent of the population lives in the north-western area in and around Nieuw-Nickerie, the main town of the District of Nickerie, while 8 per cent is found spread out in the coastal areas to the east and west of the agglomeration of Paramaribo. About 10 per cent of the population lives in the area south of the coastal area, most of them Amerindians and Maroons, who live in tribes along the upper courses of the larger rivers.

4. The economically active population consists of 127,000 persons and the number of economically active people who are employed is estimated at 100,000. This implies that about 30 per cent of the economically active people might be classified as unemployed.

5. Suriname has a multi-ethnic population which consists of Amerindians (3 per cent) and Maroons (10 per cent), Creoles (35 per cent), Indian (35 per cent), Javanese (16 per cent), Chinese (2 per cent), Lebanese and European descendants (1 per cent). There are an estimated 170,100 Christians, 109,350 Hindus, 81,000 Muslims and 44,550 persons with other religious convictions (among whom the Amerindians, Maroons and Jews). The enormous cultural diversity characterizes Suriname as a fascinating society with different ethnic groups, each with their own language. At least 15 different languages are spoken, including:

Six Amerindian languages: Akurio, Carib, Trio, Wayana, Warao and Arowak;

Three Creole languages: Auka, Saramaka and Sranana Tongo;

Three Asian languages: Sarnami Hindi, Surinamese Javanese and Haka Chinese;

Two Western languages: Dutch and English.

6. Dutch is the official language and Sranan Tongo is the lingua franca. This means that there is a large number of more or less established languages spoken in a relatively small population (in addition to those mentioned above, Arabic is spoken by the Lebanese and Islamites and Urdu is spoken by older Indian people). It is said that a large number of persons in Suriname are bilingual or multilingual. If each inhabitant were indeed bilingual, it would be an advantage in dealing with the internal language problems, especially in education.

7. It is difficult to gain up-to-date and reliable statistics in Suriname. There is a Statistics Bureau which is supposed to provide the necessary statistics, but owing to a human power problem, the gathering and processing of data take quite some time. Health statistics should be collected and published by the Public Health Bureau of the Ministry of Health, but much of the required data are no longer collected or are not available in time.

8. Most available data were gathered in the period 1991-1993 and published by the General Statistics Bureau between 1993 and 1994. The population (1993) was estimated at 404,745 inhabitants, of whom 51 per cent were female and 49 per cent male. About half of the population is younger than 15 and it is estimated that 6.7 per cent of the population fits into the over-60 age group. The crude birth rate is 22.86 per 1,000 and the crude mortality rate is 6.95 per 1,000. The natural population increase is 6.452, although the total population increase is -1.145, which brings the population growth to -0.28 per cent.

9. Life expectancy at birth for women is 70 years and for men 68 years. The infant mortality rate (children younger than 1 year) was 16.4 per 1,000 live births in 1992. The maternal mortality rate (1992) was 22.4 per 10,000 pregnancies. The total fertility rate in 1991 stood at 2.2 children per woman. The decline in fertility was augmented by an increase in emigration. Population growth decreased from 0.42 per cent in 1992 to -0.28 per cent in 1993. More recent statistics were, unfortunately, not available.

B. Economic data

10. In the last 10 years the economy of Suriname has been influenced by many internal and external factors. It proved impossible to acquire reliable data on depreciation and per capita income, since calculations made by the Statistics Bureau were based on the "official" exchange rate of US$ 1 = SF 8, while the black market rate rose to US$ 1 = SF 480 by end-1994, then rocketed to a dizzying US$ 1 = SF 750 in March 1995, before dropping back to SF 491 by the end of 1995. The average per capita income in 1995 was estimated at US$ 1,280 and the gross national product was US$ 218 million by end-1995. Export products include bauxite, alumina, aluminium, crude oil, rice, bananas, shrimps and timber. In 1995, the export value was US$ 4.6 million and the import value amounted to US$ 293 million. The unemployment rate was estimated for the urban districts in 1995 at 12 per cent. The latest available literacy rate of 90.8 per cent is from the 1980 census, but this figure is outdated.

II. GENERAL POLITICAL STRUCTURE

A. Introduction

11. Suriname became a colony of the Kingdom of the Netherlands in 1667. The first political parties were founded shortly after the First World War and the first general elections were held in 1949. In 1954 Suriname acquired autonomy within the Kingdom of the Netherlands and on 25 November 1975 it gained independence in a peaceful manner. The Governments before and after independence consisted of coalitions of different political parties, organized in large part on an ethnic basis. On 25 February 1980 a military coup d'état took place, which removed the legitimately elected civil Government. Suriname was governed by a military dictatorship until 25 November 1987 and then again from 24 December 1990 through 25 May 1991. In the 1980s the lack of respect for the constitutional State, serious violations of human rights, a devastating war in the hinterland of Suriname and a dramatic economic deterioration were manifest. The process of democratization, which was officially started when the Shankar administration was installed in January 1988, suffered from the second coup d'état on 24 December 1990. Since May 1991, Suriname has again been governed by a democratically elected civilian Government.

12. The present Constitution of the Republic of Suriname, with its 180 articles, was proclaimed in 1987. This Constitution, which was drawn up during the military regime, was approved by referendum on 30 September 1987. The Constitution was amended in 1992. According to the Constitution, the Republic of Suriname is a democratic State, based on the sovereignty of the people and on respect for and the guaranteeing of fundamental rights and freedoms. The system of Government is a presidential system with parliamentary supervision.

B. Head of State

13. The President is the head of State of the Republic of Suriname, head of Government, and Chairman of the Council of State and the Security Council. The President is the commander-in-chief of the armed forces, is responsible for foreign policy and promotes the development of the international legal order. The President is chosen for a period of five years by the National Assembly and is answerable to the National Assembly. At his inauguration the President takes the prescribed oath before the National Assembly.

C. Legislative power

14. The legislative power is exercised jointly by the National Assembly and the Government. The socio-economic and political policy which the Government will conduct is submitted to the National Assembly for its approval. Furthermore, the National Assembly supervises the work of the Government in accordance with the Constitution. The National Assembly has 51 members who are chosen on the basis of free and secret elections for a term of five years, in accordance with the system of proportional representation. During the first meeting of the National Assembly, which must take place within 30 days

after the elections, the meeting elects its speaker and deputy speaker. The National Assembly shall establish its own standing orders, which must be published by State decree.

D. Executive power

15. The executive power is vested in the President. Together with the Vice-President and the Council of Ministers, he forms the Government of Suriname. The Government determines the policy and is answerable to the National Assembly. The Government can draw up State decrees. The law threatens penalties in case of violation of the manner in which State decrees are promulgated. The Vice-President is in charge of the day-to-day business of the Council of Ministers and as such is answerable to the President. The Council of Ministers, which at present consists of 16 Ministers, is the highest executive and administrative body of Government. The Council of Ministers is responsible for, among other things, the policy to be conducted by the Government and the preparation of legislative and administrative regulations. The Council of State advises the Government on matters of general policy, the content and legitimacy of bills, State decrees and international agreements.

E. Regional administration, regional legislation and regional governments

16. The democratic order of the Republic of Suriname comprises two representative bodies at a regional level, namely the district councils and the local councils, which are composed after elections held within the district or administrative jurisdiction concerned. The district and local councils participate in the preparation, establishment and implementation of plans for their respective districts and administrative jurisdictions concerned. The supervision over the districts is exercised by the Government in a manner and in cases provided by the law.

17. The District Council is responsible for laws and regulations for the district. The law indicates with respect to what matters the district council has legislative power. If a district ordinance is in contravention of the Constitution, the Government programme or existing legal regulations, the National Assembly can repeal the district ordinance.

18. Each district has a district administration consisting of the District Commissioner and the representatives of the different ministries in the district. This local government is responsible for the day-to-day business of the district.

F. Judicial power

19. The judicial power is formed by the President and Vice-President of the Court of Justice, and its members and deputy members, the Procurator General and the other members of the public prosecutions office, as well as other judicial officers appointed thereto by law. Any interference in the detection and prosecution of matters and in matters brought before the court is prohibited. The Court of Justice is the highest body of judicial power and is charged with the pronouncement of justice and supervision of the general procedure of law and the dispatch of court proceedings. The Court of Justice

further has the right to take note of matters of the cantonal courts, when they are appealed. The President, Vice-President, members and deputy members of the Court of Justice together form the judicial power responsible for the pronouncement of law, and they are appointed for life by the Government.

20. The Constitution provides for a Constitutional Court which is charged with the judicial review of the contents of laws or parts thereof in respect of the Constitution, as well as the review of agreements with other nations and with international organizations. The Constitutional Court is also charged with adjudging whether the decisions of government bodies are compatible with one or more rights and freedoms laid down in the Constitution. At the time this report was drawn up, the Constitutional Court did not yet exist, although a bill regarding its composition, establishment and procedures was ready to be submitted to the National Assembly.

21. The public prosecutions office is solely and entirely responsible for the detection and prosecution of criminal offences. The Procurator General is head of the public prosecutions office and is also responsible for the police. The general prosecution policy is determined by the Government which, in cases of State security, can instruct the Procurator General with regard to the prosecution. The Procurator General is also appointed for life by the Government.

G. Army and police

22. The Constitution of 1987 mentioned a number of provisions on the basis of which intervention by the army in government authority was justified. The Constitution was amended in 1992 to bring an end to this, so that the task of the army is at present restricted to the defence of the sovereignty and the territorial integrity against foreign armed intervention. Other tasks will be provided by law. The present, amended Constitution also lays down that the army is to carry out its task under the supervision of and subject to the instructions of competent authorities. At the time this report was drawn up, a bill regarding the restructuring of the army was ready to be submitted to the National Assembly. The President of the Republic of Suriname is the commander-in-chief of the armed forces.

23. The Police Corps of Suriname is charged with maintaining public order and domestic security, prevention of violations thereof and protection of persons and goods. Moreover, the police have been assigned the tasks of detecting criminal offences and supervising compliance with legal provisions which are punishable by law. The police exercise their task under the responsibility of and subject to the competent authorities.

III. PROTECTION OF HUMAN RIGHTS

A. International human rights instruments

24. Suriname is party to the following international human rights instruments:

(a) International Covenant on Civil and Political Rights and the relevant Optional Protocol:

(b) International Covenant on Economic, Social and Cultural Rights;

(c) International Convention on the Elimination of All Forms of Racial Discrimination;

(d) International Convention on the Suppression and Punishment of the Crime of Apartheid;

(e) Convention on the Eradication of All Forms of Discrimination against Women;

(f) Convention on the Rights of the Child;

(g) Slavery Convention;

(h) Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery;

(i) Convention relating to the Status of Refugees and the relevant Protocol;

(j) Additional Protocol to the American Convention on Economic, Social and Cultural Rights, the "Protocol of San Salvador";

(k) American Convention on Human Rights;

(l) Inter-American Convention to Prevent and Punish Torture.

25. In the field of human rights, Suriname also signed the following conventions of the International Labour Organization:

(a) ILO Convention No. 29 concerning Forced or Compulsory Labour;

(b) ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize;

(c) ILO Convention No. 105 concerning the Abolition of Forced Labour;

(d) ILO Convention No. 135 concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking;

(e) ILO Convention No. 155 concerning Occupational Safety and Health in the Working Environment.

26. The Constitution lays down that provisions which, according to their contents, can be binding for everyone will have binding power after their promulgation. The binding provisions of the agreement will take precedence above the national legislation.

B. Constitution

27. The Constitution of Suriname gives much attention to personal rights and freedoms, on the one hand, and to social, cultural and economic rights on the other hand. The following is an enumeration of provisions in the Constitution in which the protection of these rights is expressed:

(a) Chapter I of the Constitution:

(i) Respect for and the guarantee of fundamental rights and liberties (art. 1);

(ii) Freedom to travel and to reside in Suriname (art. 3, para. 3);

(iii) Equal opportunities to be appointed to any public office (art. 3, para. 4);

(iv) The responsibility of the State to provide for sufficient employment, with the guarantee of freedom and justice (art. 4, para. (c));

(b) Chapter V of the Constitution refers to personal rights and freedoms. This chapter contains different principles which are laid down in international human rights conventions:

(i) Equality and non-discrimination on grounds of birth, sex, race, language, religion, origin, education, political conviction, economic position or social conditions or any other status (art. 8);

(ii) The right to equal and public treatment of a complaint within a reasonable term by an independent and impartial judge in case of violation of rights and freedoms (arts. 10, 11 and 12);

(iii) Rights and freedoms:

physical, mental and moral integrity (art. 9);

right to life (art. 14);

personal liberty and safety (art. 16);

respect for privacy, family life, home, honour and good name (art. 17, para. 1);

confidentiality of correspondence, telephone and telegraph (art. 17, para. 3);

freedom of religion and philosophy of life (art. 18);

freedom of opinion and expression thereof (art. 20);

freedom of peaceful association and assembly (art. 20);

freedom of demonstration (art. 21);

(c) Chapter VI of the Constitution contains social, cultural and economic rights and obligations, of which the following principles concern rights and freedoms;

(i) The right to work under humane, safe and healthy conditions, the right to a remuneration for work, the prohibition of forced labour or compulsory labour, freedom of trade union, rights of trade unions and entrepreneurs, and the right to strike (arts. 24, 26, 27, 28, 29, 15, 30, 31, 32 and 33, and also art. 15 of chap. V);

(ii) The right to an undisturbed enjoyment of property and prohibition of expropriation, except in the general interest, pursuant to rules laid down by law and against an assured compensation (art. 34);

(iii) The protection of family, the protection of the child, the right of working women to paid maternity leave (arts. 35 and 36);

(iv) Equality of men and women before the law (art. 35, para. 2);

(v) Right to health (art. 36);

(vi) Right to free primary education and the obligation of the State to guarantee access to all educational levels, scientific research and cultural creations (arts. 38 and 39).

C. Code of Criminal Law

28. The Code of Criminal Law distinguishes, inter alia, two categories of criminal offences. In the first category the society - as a community of individuals - is central and the offences comprise acts which violate rights and the interests of the society, which are protected by law. In the second category the individual is central and this category includes acts which violate the rights and freedoms of the individual, his person or property. All criminal offences which refer to violations of human rights and freedoms, as contained in international instruments, are punishable according to Surinamese criminal law. Criminal offences such as murder, manslaughter, abuse, kidnapping, detention, rape, insult and unlawful entry are criminal offences which have to do with human rights in the sense that they involve - physical and emotionally - human beings. Other offences such as embezzlement, corruption counterfeiting, sabotage, treason and destruction of utilities were added as criminal offences to protect the interests of society in its entirety with a view to security, stability and peace, and to bring order in the public interest and promote confidence in business.

D. Protection of human rights

29. Violations of basic rights are submitted to the Court of Justice. The Constitutional Court, yet to be installed, will have the task to review laws or parts thereof as to whether they are in contravention of the Constitution and international conventions, as well as to decide whether decisions of government bodies are compatible with basic rights. The Government of

Suriname aims at guaranteeing human rights and fundamental freedoms as laid down in the different international documents on human rights, and at punishing violations of these rights.

30. In the Government Programme of the Venetiaan administration (1991-1996), measures were proclaimed for the promotion and protection of human rights. In this connection, reference is made to projects which were carried out and which aimed at qualitative and quantitative improvement of the judiciary and the police apparatus.

E. State of emergency and human rights

31. According to the Constitution (art. 23), in case of war, threat of war, martial law, state of exclusion or for reasons of State security, public order or good morals, the rights laid down in the Constitution can be restricted by law. The same article states that this may only take place for a certain period of time, with due respect for the international rules applicable with respect thereto. State of war, threat of war, martial law, state of emergency, and the termination thereof, must be proclaimed by the President.